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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,511	08/16/2001	Felix Mayer	0796/65739	3846

7590 10/04/2002

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EXAMINER

MILLER, TAKISHA S

ART UNIT PAPER NUMBER

2855

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,511

Applicant(s)

MAYER ET AL.

Examiner

Takisha S Miller

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 14,16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Jensen et al. (6,085,869). Jensen et al. teach a sensor comprising: a housing (10) with at least two housing sections (11,12), a semiconductor chip comprising a sensor element (1), a sealing ring (Col. 5, lines 49-50), at least one strip conductor (6) contacting a strip (9), said sealing ring is pressed against said strip conductor (6) which is arranged on one of said housing sections (11,12)(Col. 5, lines 53-55), a printed circuit board (19) which is arranged on the strip conductor (6)(Col. 5, lines 58-62), grooves (16,17) in a surface of at least one of the housing sections (11,12)(Fig.5)(Col. 5, lines 44-47), sealing ring is arranged in a recess at the surface of one of said housing sections (11,12)(Fig.5), semiconductor chip is arranged in a recess (13) in a surface of a housing section (Col. 5, lines 39-44)(Fig.5), at least one spacer between said semiconductor chip and a bottom of a recess (Fig.3), a side wall parallel to said measuring conduit (Fig.3), a membrane (2) and semiconductor chip is arranged closer to an exit end than to an entry end (Fig.1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2855

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen et al. (6,085,869) in view of Hecht et al. (6,176,131). Jensen et al. teach the claimed invention except a sealant paste. Hecht et al. teach a sealant paste/protective coating (42)(Col. 3, lines 15-26).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Jensen et al. to include a sealant paste since it is known in the sensor art to apply a sealant to protect the components of a sensor within a housing.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen et al. (6,085,869) in view of Jorgensen et al. (6,425,414). Jensen et al. teach the claimed invention but does not teach a plurality of bumps. Jorgensen et al. teach a plurality of bumps/ridges (364)(Col. 12, lines 12-22).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Jensen et al. to include a plurality of bumps to properly position and hold the membrane in place as well as to form a seal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Takisha S Miller whose telephone number is (703) 305-4969. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Fuller can be reached on (703) 308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

TM
September 30, 2002


HARSHAD PATEL
PRIMARY EXAMINER